

Decision 00-10-011 October 5, 2000

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Arthur F. Baisley, dba Arthur's Airport Transportation, Seller, and Klaus and Elizabeth Schalau, dba Arthur's Airport Transportation, Buyer, for approval of the transfer by sale of the operating authority held by Seller in Passenger Stage Corporation Certificate 11153, from Seller to Buyer, pursuant to the provisions of Public Utilities Code § 851 et seq.

Application 00-06-047  
(Filed June 30, 2000)

**O P I N I O N**

**Summary**

This decision grants the application of Arthur F. Baisley (Transferor), an individual, and Klaus Schalau and Elizabeth Schalau (Transferee), husband and wife, pursuant to Pub. Util. Code § 851 et seq., to transfer a certificate of public convenience and necessity (CPCN) to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

**Discussion**

Transferor is authorized to operate as an on-call PSC to transport persons and their baggage between points in the counties of Nevada, Placer, Sutter, and Yuba, on the one hand, and Sacramento International Airport (SMF), on the other hand. This authority was granted by Decision (D.) 99-06-043, as described in Appendix PSC-11153, attached to the decision.

Due to health reasons that have diminished his ability to effectively manage the company, Transferor requests to transfer his passenger stage business along with two vehicles. According to the Sales Agreement, attached as Exhibit 1, the total purchase price for the business is \$13,000 and Transferee's assumption of 17 installment payments that remain due on one vehicle.

Exhibit 2 is the unaudited Balance Sheet as of June 30, 2000 of the Transferee that shows assets of \$185,000; liabilities of \$110,000; and net worth of \$75,000.

Notice of filing of the application appeared in the Commission's Daily Calendar on July 6, 2000.

In Resolution ALJ 176-3043 dated July 20, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3043.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Transferor is operating as a PSC pursuant to a CPCN described in Appendix PSC-11153 of D.99-06-043.
2. Transferor agreed to transfer PSC-11153 to Transferee.
3. The proposed transfer will not be adverse to the public interest.
4. No protests to the application have been filed.
5. A public hearing is not necessary.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Conclusions of Law**

1. The proposed transfer is in the public interest and should be authorized. The application should be granted.

2. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

## **O R D E R**

### **IT IS ORDERED** that:

1. Within 120 days from the effective date of this decision, Arthur F. Baisley, an individual, may transfer the operative rights specified in the application to Klaus Schalau and Elizabeth Schalau (Transferee), husband and wife, subject to the conditions contained in the following paragraphs.

2. Transferee shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. Adopt Transferor's tariffs and timetables, state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
- d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.

- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.
- g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Upon completion of sale and transfer, Transferee is granted a certificate of public convenience and necessity (CPCN), authorizing them to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-13500.

4. The CPCN granted to Transferor by Decision 99-06-043 is revoked on the date Transferee is notified that they may commence operations as provided in Ordering Paragraph 5.

5. Transferee is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to Transferee that their evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

6. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

7. The CPCN to operate as a PSC-13500, granted herein, expires, unless exercised within 120 days after the effective date of this order.

8. The Application is granted as set forth above.

9. This proceeding is closed.

This order is effective today.

Dated October 5, 2000, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

CARL W. WOOD

Commissioners

CERTIFICATE  
OF  
PUBLIC CONVENIENCE AND NECESSITY  
AS A PASSENGER STAGE CORPORATION  
PSC-13500

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Showing passenger stage operative rights, restrictions,  
limitations, exceptions, and privileges

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All changes and amendments as authorized by  
the Public Utilities Commission of the State of California  
will be made as revised pages or added original pages.

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Supersedes the authority heretofore granted to  
Arthur F. Baisley, an individual, by D.99-06-043.

## **I N D E X**

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SECTION I.      GENERAL AUTHORIZATIONS, RESTRICTIONS,  
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authorities granted to Arthur F. Baisley, an individual.

Klaus Schalau and Elizabeth Schalau, husband and wife, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis, between points and places as described in Section IIA, and the airport described in Section IIB, over and along the route described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- B. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- C. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- D. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

Issued by California Public Utilities Commission.

Decision 00-10-011, Application 00-06-047.



SECTION II. SERVICE AREA.

A. Counties of Nevada, Placer, Sutter, and Yuba.

B. Sacramento International Airport (SMF).

SECTION III. ROUTE DESCRIPTION.

Commencing from any point as described in Section IIA, then over the most convenient streets, expressways, and highways to SMF.